

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-23
LONE ASPEN
FEBRUARY 23, 2021**

I. GENERAL INFORMATION

A. Project Description

The request is for preliminary plat approval of a two residential lot subdivision located at 217 Elk Highlands Drive, in Whitefish, Montana. The proposed subdivision would create two new residential lots to be served by Big Mountain Water Company and Big Mountain Sewer District. Primary access to the lots would be from Elk Highlands Drive.

Project Personnel

i. Owner/Applicant

Lancor, LLC
Rob Langford
411 Shantilly Ct.
Tallahassee, FL 32303

ii. Technical Representative

Eric Mulcahy
Sands Surveying
2 Village Loop
Kalispell, MT 59901

Application Review Dates

1. Land Use Advisory Committee/Council

This proposal is not located within a Land Use Advisory Committee/Council area.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision on March 10, 2021 at 6:00 P.M. at the in the South Campus Building, 40 11th Street West, Suite 200, Kalispell, MT. Attendance for the public is also possible via a Zoom meeting. Information is available in the Planning Board agenda. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. This space is reserved for a summary of the Planning Board's discussion and recommendation.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to April 6, 2021 which is the end of the 60-working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Properties

The subject property is 7.091 acres total in size, is located on Elk Highlands Drive, Whitefish, Montana and can legally be described as Lot 28 Elk Highlands Phase 2

Amended Lots 27 and 28 in Section 02, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial of subject property outlined in red



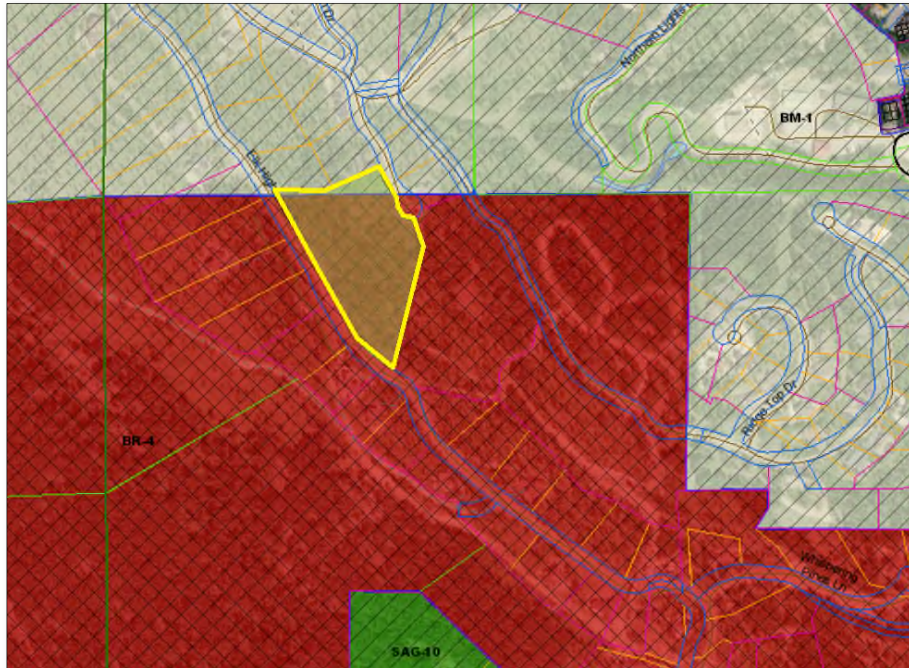
B. Subdivision Layout Detail

1. Total Subdivision Acreage:	7.09 acres
2. Acreage in Lots (spaces):	7.09 acres
3. Acreage in Roads:	N/A
4. Total Park/Common Area/Open Space Acreage:	0.0 acres
5. Minimum Lot Size:	2.54 acres
6. Maximum Lot Size:	4.53 acres
7. Overall Gross Lot Density:	1 unit per 3.55 acres

C. Current Land Use and Zoning

The property is currently split zoned with a majority of the property BR-4 (Secondary Business) with BM-1 (Big Mountain Resort Residential) on the northeast corner, and undeveloped (see Figure 2 below).

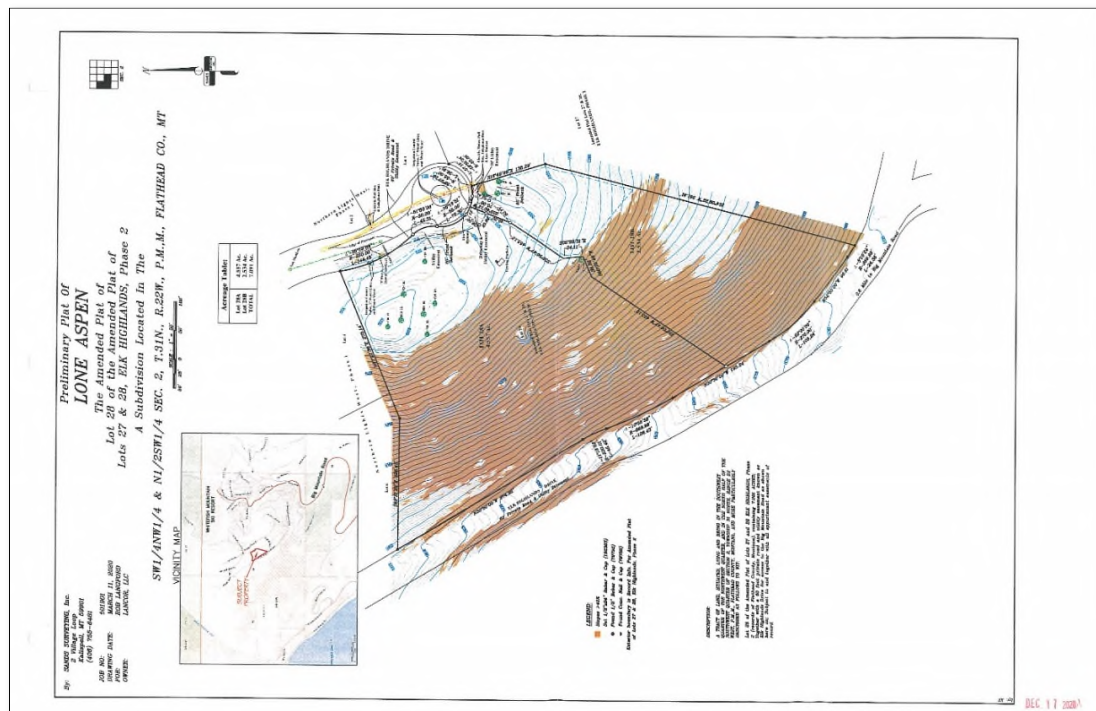
Figure 2: Zoning Map (subject property outlined in yellow).



D. Proposed Land Use

The proposed Lone Aspen subdivision would create two residential lots with lot sizes between 2.54 acres and 4.53 acres. The lots are planned to be served by Big Mountain Water Company and Sewer District. Access to the Lots will be from Elk Highlands Drive.

Figure 3: Proposed Preliminary Plat



E. Previously Considered Subdivisions in Area

The proposal is located on Elk Highlands Drive and is a part of the original Elk Highlands Phase 2 (2005) and amended lots. Subdivisions in the immediate area include Northern Lights West Phase 1 (2008) and amended lots to the north, Eagles Nest (2005) and Elk Highlands Phase 1 (2004) and amended lots to the south, Sunrise Ridge (1992), Sun Rise Ridge Ph. III (1994), Sun Ridge Ph. IV (1996) to the southeast, Big Mountain View No. 2 (1964), Moose run Ph. 1 (1999) and The Glades at Big Mountain (2003) to the east.

Figure 10: Area subdivisions, subject property outlined in red



F. Utilities and Services

1. **Water** – Big Mountain Water Company
2. **Wastewater** – Big Mountain Sewer District
3. **Electricity** - Flathead Electric Cooperative
4. **Natural Gas** - Northwestern Energy
5. **Solid Waste** – Contract Haul
6. **Telephone Service** - CenturyLink
7. **Fire District(s)** – Big Mountain
8. **Police** - Flathead County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

Referrals were sent to the following agencies on January 8, 2021:

- Flathead County Solid Waste
- Flathead County Road and Bridge Department

- Flathead City-County Environmental Health Department
- Big Mountain Fire District
- MT Fish, Wildlife, & Parks
- Whitefish School District #44
- Flathead County Weeds & Parks Department
- DNRC
- Flathead Conservation District
- Flathead County Address Coordinator
- BPA
- Flathead County Sheriff

The following is a summarized list of agency comment received by the Planning Office as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property is located 5.22 miles away from the nearest BPA transmission lines or structures.”
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.”
- Flathead County Solid Waste District
 - Comment: “The landfill capacity currently available is from 30 to 60 years based upon an annual tonnage increase of 2% per year respectively.

“The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. North Valley Refuse is the (PSC) Public Service Commission Licensed hauler in this area.”
- Flathead County Environmental Health Department
 - Comment: “The proposed subdivision is subject to review under Sanitation and Subdivisions, Title 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process.”

Comment letters submitted with the application;

- Big Mountain Water Company
 - Comment: “Winter Sports, Inc. (parent company to the Big Mountain Water Company) owns the water rights for the water system and has sufficient capacity for the 2-lot subdivision know as Lone Pine (owned by Langford) in Elk Highlands. Your request for the addition of the Lone Pine 2-lot subdivision will be approved by the Water Company Board.
“The installation of the mains and services must be engineered, by a licensed engineering firm licensed in the State of Montana. Design will need to be submitted to the Department of Environmental Quality and the Big Mountain

Water Company. Upon approval from DEQ, construction will need to be monitored by the engineering firm. A set of complete as built drawings will be required on completion of the project...”

- Big Mountain Fire District
 - Comment: “The Big Mountain Fire District has reviewed the proposed changes to Lot 28, no called Lone Aspen, located within Elk Highlands Phase Two. After review it was determined the supplied water system will provide sufficient fire flow. The hydrant located central within the cul-de-sac adjacent to the lot would be used in the event of a fire and though some distance from where a structure may be built, will provide the water needs of the BMFD.”

Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on February 17, 2021, legal notice will be published in the Daily Interlake on February 21, 2021, and notice of the proposal and public hearing will be physically posted onsite by February 25, 2021.

As of the date of the completion of this staff report, no written public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria and Staff Findings

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

1. Agriculture and Agricultural Water User Facilities

According to the Environmental Assessment, “*There are no shared agricultural water works, canals, irrigation ditches, pump houses etc. The property is not located within an agricultural water district...The property is not in an agricultural irrigation district or are there any agricultural irrigation districts or companies in proximity of the subdivision.*” The properties to the west, north and south are larger lots and forested with Whitefish Mountain Ski Resort to the east. The proposed subdivision would likely have minimal impact on neighboring agricultural production.

There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property and the property is not located within an agricultural water district or area.

Finding #1 – There would be minimal impact on agriculture or agricultural water user facilities as a result of the proposed subdivision because the property has not been in agricultural production, has no irrigation infrastructure on site, and is not in an irrigation district.

2. Water and Wastewater Services

The applicant is proposing the utilization of Big Mountain Water Company and Sewer District for water and wastewater usage of the proposed subdivision. The EA states, *“Water will be provided by connections to the Big Mountain Water Company’s public water supply system. The water system will provide water for domestic consumption, irrigation and fire protection. Based on a demand of 320 gallons per day (GDP) per single-family residence, the average daily demand for domestic purposes will be 640 gdp for the two houses. The maximum average daily demand will be 1,280 gpd and the peak hourly demand will be about 7 gpm. However, since water demands for Lot 28A have already been accounted for with Elk Highlands, Ph. 2, the additional demand on the system will only be ½ of those demands.*

“Based on site topography and the likely choice for low maintenance landscaping, water use for irrigation purposes is expected to be low. Assuming that each single-family lot has approximately 10,000ft² of lawn or landscape area that requires irrigation at a rate of 1.0” per week, for the amount of water needed to meet irrigation demands would be about 1,780 gpd or about 7.5 gpm if applied over a 4-hour period each day.

“The Big Mountain Water Company’s water system presently consists of five (5) drilled wells with a combined pumping capacity of over 480 gpm, a 500,000-gallon welded-steel reservoir, two (2) 300,000-gallon concrete reservoirs, and a network of 6”, 8” and 10” distribution mains. Although not totally separate, the overall water system supplies two (2) distinct service areas. The 500,000-gallon reservoir, one of the 300,000-gallon reservoirs, and Well Nos. 1, 2 & 4 generally serve the “Base Area” and lower elevation residential uses. The other 300,000-gallon reservoir and Well Nos. 3 & 5 serve higher elevation residential users which at this time serves or will serve a total of 156 single-family lots in Sunrise Ridge, Phases 3 & 4; Northern Lights; Elk Highlands, Phases 1 & 2; Northern Lights West, Phases 1, 2, & 3; and Medicine Rock. This portion of the water system is commonly referred to as the “Sunrise Area” water system. The “Sunrise Area” portion of the water system will serve the two lots in Lone Aspen. It should be noted that a third well (Well #6) is currently being drilled and will be added to the Sunrise Area system when completed.

“Water from the Big Mountain Water Company’s public water system is routinely tested for various bacterial and chemical parameters and the water consistently meets all DEQ safe drinking water standards.

“Water to proposed Lot 28B in Lone Aspen will be provided by new service connection to the Big Mountain Water Company’s public water system. There is an existing 8” water main in Elk Highlands Drive.”

Concerning sewage disposal and system according to the EA, *“A service connection to the Big Mountain Sewer District public wastewater collection system will serve the proposed lot in Lone Aspen. With only one new lot, the proposed additional daily wastewater flow will be 300gpd. The peak hourly flow rate will be about 1.4 gpm based on a peaking factor of 4.46 and assuming all wastewater is generated over a 16-hour period each day. The Big Mountain Sewer District collection system conveys wastewater generated within the District down the mountain to the City of Whitefish*

wastewater collection system along East Lakeshore Drive. Subsequent treatment takes place at the City's Wastewater Treatment Facility. This method of wastewater collection and treatment is more than sufficient to meet the needs of the proposed subdivision and this method meets all MDEQ requirements...There is an existing 8" gravity sewer main in Elk Highlands Drive and a new 1-1/2" HDPE pressure sewer service will be installed to Lot 28B."

Comment from The Flathead City-County Health Department states, "The proposed subdivision is subject to review under Sanitation and Subdivisions, Title 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process."

Finding #2 – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize Big Mountain Water Company and Sewer District, and the subdivision will be subject to review from the Flathead City-County Environmental Health Department and MDEQ as applicable.

3. Solid Waste Disposal

The EA states, *"The Whitefish Mountain Resort has a trash handling facility in the maintenance area located by the Fire Hall. This facility is available to all homeowners in the Whitefish Mountain Resort area. Owners are charged a one-time plant investment fee of \$142.00 and then a usage fee of \$96 per year, which gives them unlimited use of the trash facility. If the homeowners have a contract with Big Mountain Resort Lodging (BMRL) they have the option of trash pick-up also for an individual fee. The residents, including those in the Elk Highlands development, also have the option of using North Valley Refuse for pick-up; however, North Valley encourages the use of the Whitefish Mountain Resort facility.*

"The trash-handling facility includes a trash compactor with a capacity of 4,500 pounds. North Valley Refuse collects the trash approximately every ten days and charges by weight for the trucking. A cardboard compactor is also located in the building. The compacted cardboard is trucked by WSI to Pacific steel and Paper for recycling.

"A recycling depot is located to the north of the trash handling facility. This provides for the collection of aluminum, newspaper, and magazines. North Valley Refuse services the recycling."

The Flathead County Solid Waste District commented, "The District requests that all new subdivisions use a private hauler to bring the solid waste to the landfill. Owner hauling of solid waste from the subdivision should not be the primary method of disposal. North Valley Refuse is the (PSC) Public Service Commission Licensed hauler in this area."

Pursuant to Section 4.7.22 FCSR the applicant should be required to meet the requirements of the Flathead County Solid Waste District.

Finding # 3 – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize either contract haul services or Big Mountain Resort Lodging for solid waste management.

4. Roads

The subdivision will utilize as primary access Elk Highlands Drive for the two lots which is a private two lane paved road within a 60 foot easement.

The EA submitted with the application states, *“No new roads or improvements to existing roads are proposed or needed to the one new lot in Lone Aspen. All access to the subdivision lots are from the existing Elk Highlands Drive.”*

Concerning ADT, the EA states, *“The proposed subdivision will create approximately 10 additional vehicle trips per day. As these are resort homes with absentee owners, the ADT will most likely be less. There is no available traffic data for Elk Highlands Drive or Northern Lights Drive. The primary roads, Northern Lights Drive and Elk Highlands Drive are both local streets providing access to the residential neighborhood. These residential streets are not intended for use by visitors using the ski services or summer recreational opportunities.”*

Staff agrees with the EA that it is anticipated the proposed subdivision would result in 10 additional daily vehicle trips and no traffic data was found during research. In looking at the most recent aerial photography on the Flathead County Interactive Mapping Application, 23 single family dwellings utilize Elk Highlands Drive. Given 10 daily vehicle trips per dwelling, 230 average daily vehicle trips are expected when the dwellings are occupied. The addition of one lot at 10 additional daily vehicle trips on Elk Highlands Drive would result increase of 4.3% over current the expected traffic.

Finding #4 – The road system appears to be acceptable because Elk Highlands Drive is a paved two lane private road within a 60 foot easement and an increase of 4.3% on Elk Highland Drive when residences are occupied is expected.

5. Schools

The property is located in the Whitefish School District. According to the EA, *“The subdivision is located within the Whitefish School District #44. The Whitefish School District provides elementary, middle school and High School facilities. The School District completed an extensive remodel of Central School in the last twelve years. The High School had a major remodel/expansion that was finished about four years ago. The School District is just completing a major remodel/expansion of the elementary school. All three projects were completed through bond initiatives approved by the voters in the School District.”*

“According to the 2000 census data, only 11% of the residential units on Big Mountain were determined fulltime residents and this excluded the hotel units. With the low number of full-time residents, there were only a few school aged children on the mountain as most of the fulltime residents were “empty nesters.”

According to census data for Flathead County, the average household size is 2.46 persons and approximately 16.5% of the population is between the ages of 5-18 years. The establishment of two lots developed with two single family dwellings with this proposed subdivision would potentially lead to one potential school aged child. The office has received no comments from the school district at the time of writing this report.

The number of students generated by this proposal could be served without introducing significant impacts to the school district.

6. Mail Delivery

The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

7. Parks and Recreation

The application states, *“The proposed Lone Aspen development is located in a ski resort area with direct access to lifts and ski trails. This ski trail doubles as hiking and biking trails in the snow-free months. In addition to the alpine skiing, there is Nordic skiing, snowshoeing, and other winter activities. The area provides ample recreational opportunities in the summer including Zip Lines, Alpine Slide, Walk in the Treetops, etc.*

“As part of the Big Mountain West ODP and the Elk Highlands Preliminary Plat for Phases 1 and 2, the Elk Highlands development dedicated 11.70 acres in common area and ski-ways and 106.7 acres in conservation easement held by the HOA. The 118 acres total of common area and ski ways greatly exceeded the parkland dedication required for the 40 lots of Elk Highlands Phases 1 and 2.

“Lone Aspen subdivision as a single lot subdivision is exempt from parkland dedication per Chapter 4.7.24a.iv FCSR.”

The Flathead County Trails Plan does not designate Elk Highlands Drive as a potential trail site in the future.

Finding #5 – Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site/s will be required to be approved by the local postmaster, the proposal has the potential to add one (1) school aged child, the Whitefish School District did not comment on the proposal, a bike/pedestrian easement will not be required and no parkland dedication is required.

8. Fire/Emergency Medical Services

The EA states, *“The proposed subdivision is within the Big Mountain Rural Fire Service Area. The Fire Station is located near the intersection of Big Mountain Road and Northern Lights Drive approximately 0.5 road miles from the proposed subdivision. Given the close proximity to the Fire Hall and the fact that the Fire Hall is staffed 24 hours a day, seven days a week, response times to a fire even in the worst weather conditions should be less than 10 minutes.*

“Ambulance service is provided by the Big Mountain Rural Fire District. The North Valley Hospital is located approximately seven miles from the development. Alert service is available and provided by Kalispell Regional Hospital.”

According to the Wildland Urban Interface Fire Prevention Control and Fuels Reduction Plan submitted with the proposal, *“To mitigate fire hazard, the Resort and associated subdivision implement Fire Wise practices including vegetation thinning and building materials. The Elk Highlands development utilizes a public water system with fire flow and hydrants (There is a hydrant located directly in front of the proposed subdivision). The subdivision and the Whitefish Mountain Resort have a secondary*

emergency egress, through Stoltz Land and Lumber properties down to the Iron Horse development in the City Limits.

“The Big Mountain Fire Department is responsible for structure and wildfire fire protection within the resort and they have mutual aid response from neighboring fire districts. The Big Mountain Fire Station is approximately ½ mile from the property. The District has seven paid professional firefighters of which two are on duty 24/7. The District has two engines and one brush truck; the engines can pump 12540 gpm and 500 gpm respectively. As the Mountain and specifically Northern Lights West Phase 3 are served by a public water system with fire hydrants providing fire flow throughout the system.

“In communications with Ben DeVall, Big Mountain Fire Chief the hydrants will suffice for water supply and the road layout will provide sufficient access. The Fire Chief stated that the Resort and Fire District were approved as a “Fire Wise” Community in 2014. With this designation everyone is encouraged to provide continued thinning and management of their property to reduce the risk of wildfire.

The Big Mountain Fire Department also has an Incident Plan in place that is intended for emergency response professionals. It addresses access, safe places, water sources, etc.”

The site is located within the Big Mountain Fire Service Area. The subject property is located in a larger lot, residentially developed area within the Wildland Urban Interface (WUI) and also within a Medium High Countywide Priority Area

The Will Serve letter included in the application from the Big Mountain Fire Department indicates, “The Big Mountain Fire District has reviewed the proposed changes to Lot 28, no called Lone Aspen, located within Elk Highlands Phase Two. After review it was determined the supplied water system will provide sufficient fire flow. The hydrant located central within the cul-de-sac adjacent to the lot would be used in the event of a fire and though some distance from where a structure may be built, will provide the water needs of the BMFD.”

Based on the location of the property in proximity to the Big Mountain Fire Station, response times are anticipated to be reasonable.

9. Police Services

The proposed subdivision is located in a rural area of Flathead County and will be served by the Flathead County Sheriff’s Department. Although the combination of existing staff levels, shift rotations, size of the county, and the dispersed nature of the population may affect response times, the property’s proximity the Flathead County Sheriff’s Office in Kalispell should not lead to overly delayed response times in the event of an emergency.

The EA states, “The proposed subdivision will be served by the Flathead County Sheriff’s Office along the mutual aid assistance from the Whitefish Police Department. Appendix A of the Flathead County Growth Policy states that the Sheriff’s Office has six divisions with 118 employees of which 48 are “on ground” law enforcement officers responsible for the unincorporated portions of the County. The Sheriff’s Office runs three shifts in a 24-hour period with 4 to 6 officers on duty each shift.”

Finding #6 – Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Big Mountain Rural Fire Service and Flathead County Sheriff’s Department in the event of an emergency, and the property while located in a Wildland Urban Interface and County District Medium High Priority Area, has a Fire Prevention, Control and Fuels Reduction Plan which has been submitted.

10. Impact of Noise

While noise and vibration will likely result from construction of a houses on the proposed lots, these impacts will be limited in duration and should not negatively impact the surrounding area. No noise beyond what is typical for a residential area is anticipated as a result of the proposed subdivision. The proposed residential use is not anticipated to generate noise that would impact area residents or wildlife.

11. Air Quality

While an initial increase in dust is anticipated with the expansion and construction of roads and the construction of structures, no permanent decrease in air quality is expected with this proposal. The applicant has submitted a “Dust Control Plan” compliant with Section 4.7.14 FCSR. A note will be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

The Flathead County Road and Bridge department did not have comment on the proposal.

Finding #7 - Adverse impacts to air quality and noise are not anticipated with standard conditions because Elk Highlands Drive is a paved private road within a 60 foot easement, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction, and impacts of noise are not expected to exceed typical residential use.

12. Soils

The applicant states in the EA, *“The project site is located in the Whitefish Mountain Range and this area has been covered and scoured by significant glacial activity. Near surface soils consist of glacial till and material derived from metasedimentary rock. The soils are comprised of very gravelly silt loam over weathered Precambrian bedrock. Based on observations of surface and subsurface hazards which could result in property damage; however, hazards primarily related to cut and fill slopes could occur during construction of driveway, buildings and other improvements if such work is not done properly.”*

According to NRCS soils data, the soils on the approximate property are comprised of 4 soils.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	Farmland Classification	Natural Drainage Class
23-8	Adeptic Cryoboralfs-Andic Cryochrepts complex, hilly	6.9	94.9%	Not prime farmland	-
75	Rock outcrop, structural breaklands	0.4	5.1%	Not prime Farmland	-

The soil and rock outcrop are classified as not prime farmland.

13. Stormwater

According to the EA, *“Runoff water from a small area in the northeast corner of Lot 28 will drain toward the adjacent roadway and will follow existing roadside ditches constructed for Elk Highlands, Ph. 2. The remaining portions of Lots 28A and 29B will follow existing surface topography in a west – southwest direction through densely vegetated open areas on these lots. It is unlikely that any runoff water from impervious surfaces on the Lone Aspen lots will ever reach the lower section of Elk Highlands Drive, but if it did, water will collect and be conveyed in an existing rock lined roadside ditch. The vast majority, if not all, runoff water will be lost to infiltration into the numerous fractures in the underlying bedrock and to evapotranspiration.*

“All existing roadways are paved with hot plant mix asphalt. There will be no ne roadways; however, there will be new driveways to Lots 28A and 28B and each driveway will be paved.

“There are no stream or drainage crossings being proposed; however, new culverts will be installed, as is necessary, to convey runoff water across driveways.

“Straw wattles will be installed in existing roadside ditches to help mitigate any potential erosion both during and after construction. Stormwater drainage calculations and erosion control BMP’s are included on a water, sewer & stormwater drainage sheet accompanying this Preliminary Plat submittal.

“The individual lot owners will be responsible for runoff water generated on their own properties and for runoff water that flows from their lots onto adjacent lots and onto adjacent rights-of-way. The Elk Highlands HOA is responsible for stormwater drainage within public rights-of-way and Common Areas.”

Comment from the Flathead City-County Environmental Health Department states, “The proposed subdivision is subject to review under Sanitation and Subdivisions, Title 76-4, Part 1 MCA. Potable water, wastewater, storm drainage, and solid waste disposal will be addressed through this review process.”

Finding #8 – The soils on the subject property appear to be acceptable because the soils are generally classified not prime farmland, and the proposed subdivision has will

serve letters from Big Mountain Water Company public water system and Big Mountain Sewer District.

14. Geologic/Avalanche Hazards

The subject property does contain slopes over 40%, however the application information states, *“The proposed development is located in an alpine environment which is typical of a ski resort area in the west. The topography is diverse with areas of gentle topography and areas of steep topography. There are rock out cropping located throughout the property. Areas of 40% and greater are precluded from development with the proposed building envelopes.*

“The project site is located in the Whitefish Mountain Range and this area has been covered and scoured by significant glacial activity. Near surface soils consist of glacial till and material derived from metasedimentary rock. The soils are comprised of very gravelly silt loam over weathered Precambrian bedrock. Based on observations of surface and subsurface conditions there are no known or observed naturally occurring geologic hazards which could result in property damage; however, hazards primarily related to cut and fill slopes could occur during construction of driveway, buildings and other improvements if such work is not done properly. .

“The site lies within the Intermountain Seismic Belt and is mapped as a zone of potentially significant seismic ground movement. Subsurface materials observed at the site could be classified as Site Class C in accordance with the International Building Code (IBC). However, based on the presence of bedrock, the risk of liquefaction or lateral spreading is low. Bedrock can be typically encountered on the site at depths of 0 to 40 inches.

“Due to the presence of shallow bedrock and no observable signs of slope instability, it is anticipated that slope stability will not be a concern on naturally occurring slopes. However, all cut or fill slopes in glacial till soils should be no steeper than 4H:1V, unless shoring, bracing, soil nailing, retaining walls or some other approved method of slope stabilization is used. Steeper slopes in the Dolomite bedrock are possible but should be evaluated on a case by case basis. All fill soils must be properly placed and compacted; surface water, and subsurface water if present, must be intercepted and diverted around work sites. The specific seismic Site Class designations of the UBC, and any requirements associated with each, will be taken into consideration during the design of structures within subdivision.

“Although not an unusual condition in mountainous terrain, the depth to bedrock is a factor that must be addressed in the construction of buildings, driveways and the installation of utilities. As with previous phases of Elk Highlands, Northern Lights West and Sun Rising Ridge, blasting of bedrock is commonly required for building and infrastructure construction. The shallow depth to bedrock can be a benefit as it provides a stable base for footings and foundation walls and it provides a stable base for road construction. Areas of 40% and greater are precluded from development with the proposed building envelopes.”

Building envelopes are indicated on the preliminary plat and appear to minimize the possibility of rock slides or falls.

Finding #9 – No impacts from geological and avalanche hazards are anticipated because the areas of slopes greater than 40% are indicated on the preliminary plat and building envelopes are clearly marked on the preliminary plat to minimize potential impacts from rock outcroppings, falls or slides.

15. Flora

The EA states concerning vegetation, *“The property is primarily forest land. There are no marshes grass lands and few deciduous trees (Thus the Subdivision name). The proposed development is adjacent to others phases of residential development on the Whitefish Mountain Resort.*

“The property does have a few noxious weeds loin area roadways. Both the existing Elk Highlands HOA and Winter Sports Inc., the operating company of Whitefish Mountain Resort, have active plans for eradicating weeds form these lands. Lone Aspen will expect a condition of approval that requires a weed management plan with the Flathead County Weed Department.

“There are no identified critical plant communities within the subdivision. As with much of Northern Lights West and Elk Highlands these large lots allow a significant portion of the lot to remain native and most of these alpine homes have very small landscaped are preferring the natural landscape. However with construction of the building pads and driveways, a number of trees will be removed from the site.”

Concerning habitat, The EA indicates, *“The Coville Indian paint brush could be suited for the stony soil and subalpine location however in walking the site the plant was not noticeable. The MHP maps indicate that there was only one siting of the Indian Paint Brush and it was over a mile to the southeast. The Small Yellow Lady Slipper likes habitat that is damp and moist meadow. There are no such habitats on the subject property.”*

The subject property is currently undeveloped with a combination of forested and open land with native vegetation.

The prevention of noxious weeds is particularly important with regard to construction and development. Pursuant to Section 4.7.25 FCSR, an approved weed control management plan, applicable to all lots, will be required as a condition of final plat approval.

16. Riparian/Wetland Areas

The EA states, *“Lone Aspen (A Resubdivision of Lot 28 of Elk Highlands Phase 2) is located on Whitefish Mountain Resort in the Elk Highlands neighborhood. There are no surface waters associated with the subject property...There are no natural water systems, perennial or intermittent on the subject property. There are no artificial water systems, canal, ditches, reservoirs, or irrigation systems on the subject parcel. There are no irrigation diversions or other artificial water impoundments associated with the project. There are no wetlands associated with or on the subject parcel being considered for development.”*

There are no riparian, wetlands, rivers, streams, lakes or other natural surface waters on the subject property.”

Finding #10 – No impacts to the flora and riparian/wetland area are anticipated because the property is currently undeveloped with forest and open land, no riparian/wetland areas are evident on the subject property and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

17. Floodplain

The property is located on FEMA FIRM Panel 30029C1080G effective September 28, 2007 in an unshaded Zone X which is an area determined to be outside the 0.2% annual chance floodplain.

Finding #11 – The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is located in an unshaded zone X which is an area determined to be outside the 0.2% annual chance floodplain.

18. Wildlife and Wildlife Habitat

Given the timbered, rural nature of the subject property, impacts as a result of the proposed subdivision to wildlife are expected although they can be minimized with the education of lot owners to the rural nature and wildlife in the area and prevention. A search conducted by staff of the Montana Natural Heritage Program identified this general area by Township and Range of the County may be frequented by 14 species of concern. There are seven mammal species, the Hoary Bat, Little Brown Myotis (bat), Yuma Myotis (bat), Fisher, Canada Lynx, Wolverine and Grizzly Bear. Two bird species are indicated, Pileated Woodpecker and Common Loon. There are three species of fish, the Westslope Cutthroat Trout, pygmy Whitefish and Bull Trout. One reptile, the Northern Alligator Lizard and one mollusk, the Sheathed Slug.

The EA states, *“To write this section of the EA, the wildlife maps prepared by Flathead County GIS with cooperation by Montana FW&P were consulted. The Montana Natural Heritage Program was consulted for Species of Concern data (Plant and animal)”*

“The property is mapped as summer range for elk, an overall low distribution for black bear, very low density for Whitetail deer, and presence of mule deer. There are annual sighting of grizzly bears on Big Mountain and it is safe to assume they pass through the areas of the proposed subdivision.”

“The maps do not indicate that mule deer are present but they have been witnessed on the property. The Big Mountain West area is mapped with an overall distribution of black bear. Grizzly bear are known to be in the general area. Mountain lions may also be present however they typically favor areas with higher concentrations of deer.”

“According to the Montana Heritage Program, the species identified in their report are not necessarily specific to this property but are located within the general area. The map provided by the Montana Natural Heritage Program shows species occurrences within two to three miles of the proposed project. The species identified in the MHP report include the Westslope Cutthroat Trout, Bull Trout, Pigmy Whitefish, Grizzly Bear, Fisher, Wolverine, and Canada Lynx, Northern Alligator Lizard, Coville Indian Paintbrush, and Small Yellow Lady’s Slipper.”

“According to the information provided by MHP, the alligator lizard likes talus slopes of which there are none on the subject property. The report also states that they also

like some open areas with shrubby vegetation. The site does have shrubby plant life and some open areas around rock outcrops. However the report has little information on how to avoid impacts and it appears that this species is “widespread and rare”. As this project is within the resort envelope of the plan area and other developments, we will conclude that the species has the bulk of the Whitefish Range to use as a home and this small area of private land can be used for human habitat.

As part of the original ODP and subdivision proposal Winter Sports Inc. and the developers of neighboring Elk Highlands placed approximately 150 acres into a conservation easement so that the property deemed most sensitive by the plan will never be developed.”

Concerning wildlife habitat, the EA indicates, *“The proposed subdivision is located within the confines of the Whitefish Mountain Resort. Whitefish Mountain has gone through extensive long range planning working with the planning offices of both Flathead County and the City of Whitefish. Whitefish Mountain has also consulted with local service providers including Whitefish Public works, Big Mountain Fire and Flathead County Sheriff. The Whitefish Mountain Resort is in a constant communication with the United States Forest Service and US Fish and Wildlife. The Resort also works with agencies such as Fish Wildlife and Parks, the Army Corps of Engineers, and MDEQ on these development plans. With the amount of planning and study that has occurred on the Resort area over the years we should presume minimal impacts on wildlife habitat.”*

Montana Fish, Wildlife & Parks did not submit comment on this proposal.

Finding #12 – Adverse impacts on wildlife and wildlife habitat as a result of the proposed subdivision are acceptable because impacts can be mitigated by conditions, the larger lot sizes would minimize impacts on wildlife habitat and Montana Fish, Wildlife & Parks did not comment on the proposal.

19. Historical Features

The Environmental Assessment states, *“The State Historic Preservation Office (SHPO) was consulted in the process of writing the Big Mountain Neighborhood Plan. SHPO conducted a search of its data base for the Mountain and surrounding areas. The search called out a mine adit on the very western edge of the Mountain. The mine adit was likely the Whitey Henderson Lime Mine located in the Hell Roaring Drainage. The proposed subdivision does not have any mining shafts or remnants of mining activity.”*

20. High Voltage Electric Lines/High Pressure Gas Lines

There are no high pressure gas lines or high voltage electrical lines on the subject properties. Comment received from the Bonneville Power Administration state, *“At this time, BPA does not object to this request, as the property is located 5.22 miles away from the nearest BPA transmission lines or structures.”*

21. Airport Influence Areas

The subject property is not located within a public Airport Influence Area.

Finding #13 – The proposal does not appear to have an impact on historical features, high voltage electric lines, or high pressure gas lines because there are no known historical features and the property is not located near high voltage electric lines or high pressure gas lines.

Finding #14 –The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #15 – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations and Review Procedure

1.Requested Variances

The applicant is not requesting a variance with this application

Finding #16 -No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 3, 2018 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

2. Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

September 30, 2020

ii. Application Deadline Date (6 months from pre-application)

December 3, 2020

iii. Application Submittal Date

December 17, 2020

iv. Completeness Date

December 22, 2020

v. Sufficiency Date

January 8, 2021

vi. Agency Referral Requests Mailing Date

January 8, 2021

vii. Adjacent Property Notification Mailing Date

February 17, 2021

viii. Legal Notice Publication Date

February 21, 2021

ix. On-site Posting of Public Hearing Date

February 25, 2021

Finding #17 – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

D. Provision of Easements for the Location and Installation of Planned Utilities

According to the EA, *“Electric, telephone, natural gas and cable TV utilities are provided within the Elk Highlands Drive right-of-way.”*

Finding #18 – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

E. Provision of Legal and Physical Access to Each Parcel

Finding #19 – Elk Highlands Drive would provide legal and physical access for Lots 28 and 28B.

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The EA states, *“The property is designated as “resort residential” by the Big Mountain West Neighborhood Plan which was adopted as an addendum to the Whitefish City-County Master Plan in 2003. The Resort Residential designation is the exact fit for the proposed subdivision.*

“The Whitefish Mountain Resort is in close proximity to the City of Whitefish. The Big Mountain Sewer District and the City of Whitefish rewrote the wastewater treatment agreement in 2002. As part of that agreement, the Sewer District will require waivers of annexation to the City of Whitefish for all new hook-ups and the City agreed that they would not annex the Whitefish Mountain Resort area, formerly Big Mountain for at least 20 years.”

On September 1, 2015, the County Commissioners adopted Resolution #2015 which among other things, added the Big Mountain and Big Mountain West plans to the Flathead County Growth Policy. According to the Overall Development Plan within the Big Mountain West Neighborhood Plan, the subject property is located within an area designated for development with single family residences. The proposed subdivision would comply with this Plan.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

Finding #20 – The proposal is not within a Neighborhood Plan area and is generally consistent with the Flathead County Growth Policy.

G. Compliance with Local Zoning

As previously stated, the proposed subdivision is located in an area currently split zoned with a majority of the property BR-4 (Secondary Business) with BM-1 (Big Mountain Resort Residential) on the northeast corner' accessed by Elk Highlands Drive on Whitefish Mountain. The BR-4 designation is, *"The BR-4 district is intended for resort purposes and to provide for the development of medium and high density resort uses including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses. This district may also provide as allowed uses, eating rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities."* While the BM-1 designation is, *"The BM-1 district is intended to provide for lower urban densities with little or no commercial activity. Uses within the resort residential will include nightly rentals, timesharing, interval ownerships, vacation clubs, or other multiple ownership residential uses."*

The proposed subdivision lots are in excess of the 7,500 square feet minimum lot size for single-family dwellings in the BM-1 and the proposed use of single family dwellings is a permitted use in BM-1 as are duplexes, multi-family dwellings and resort dwellings. While the BR-4 is more commercially geared, the proposed property is part of the Amended Plat of Lots 27 & 28, Elk Highlands, Phase 2 subdivision which is a residential subdivision recorded in 2006.

The EA states, *"Lands adjacent to Lone Aspen are all resort residential developments of varying densities but primarily single family residential. There is skier access to and from the development via a chair lift and skyways. With similar land use as neighboring properties, the proposed subdivision should not cause any change to neighboring land use."*

Finding #21 – The proposed subdivision is in compliance with local zoning because the lots are in excess of the minimum lot size requirement and the proposed use of single family dwellings is a permitted use in the BM-1 zoning designation.

V. CONCLUSION

In accordance with the provisions of Section 4.2 of the Flathead County Subdivision Regulations, a review and evaluation of the first minor subdivision application has been completed by Planning and Zoning staff and forwarded to the Flathead County Commissioners for their consideration. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to the Findings of Fact stated above.

Should the Flathead County Board of Commissioners choose to grant preliminary plat approval to Lone Aspen subdivision, the draft conditions found in Exhibit B should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

Planner: DV

**FINDINGS OF FACT
SUBDIVISION REPORT # FPP-20-23
LONE ASPEN SUBDIVISION
FEBRUARY 23, 2021**

1. There would be minimal impact on agriculture or agricultural water user facilities as a result of the proposed subdivision because the property has not been in agricultural production, has no irrigation infrastructure on site, and is not in an irrigation district.
2. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize Big Mountain Water Company and Sewer District, and the subdivision will be subject to review from the Flathead City-County Environmental Health Department and MDEQ as applicable.
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize either contract haul services or Big Mountain Resort Lodging for solid waste management.
4. The road system appears to be acceptable because Elk Highlands Drive is a paved two lane private road within a 60 foot easement and an increase of 4.3% on Elk Highland Drive when residences are occupied is expected.
5. Adverse impacts on schools, mail delivery and recreation are not anticipated as a result of the proposal subdivision because the mail box site/s will be required to be approved by the local postmaster, the proposal has the potential to add one (1) school aged child, the Whitefish School District did not comment on the proposal, a bike/pedestrian easement will not be required and no parkland dedication is required.
6. Impacts on fire/medical and police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Big Mountain Rural Fire Service and Flathead County Sheriff's Department in the event of an emergency, and the property while located in a Wildland Urban Interface and County District Medium High Priority Area, has a Fire Prevention, Control and Fuels Reduction Plan which has been submitted.
7. Adverse impacts to air quality and noise are not anticipated with standard conditions because Elk Highlands Drive is a paved private road within a 60 foot easement, a Dust Abatement Plan was provided to mitigate potential issues of dust during construction, and impacts of noise are not expected to exceed typical residential use.
8. The soils on the subject property appear to be acceptable because the soils are generally classified not prime farmland, and the proposed subdivision has will serve letters from Big Mountain Water Company public water system and Big Mountain Sewer District.
9. No impacts from geological and avalanche hazards are anticipated because the areas of slopes greater than 40% are indicated on the preliminary plat and building envelopes are clearly marked on the preliminary plat to minimize potential impacts from rock outcroppings, falls or slides.
10. No impacts to the flora and riparian/wetland area are anticipated because the property is currently undeveloped with forest and open land, no riparian/wetland areas are evident on the

subject property and a weed management plan shall be approved by the Flathead County Weed Board prior to final plat approval.

11. The proposal would not introduce adverse impacts to public health and safety in regard to flood risk because the property is located in an unshaded zone X which is an area determined to be outside the 0.2% annual chance floodplain.
12. Adverse impacts on wildlife and wildlife habitat as a result of the proposed subdivision are acceptable because impacts can be mitigated by conditions, the larger lot sizes would minimize impacts on wildlife habitat and Montana Fish, Wildlife & Parks did not comment on the proposal.
13. The proposal does not appear to have an impact on historical features, high voltage electric lines, or high pressure gas lines because there are no known historical features and the property is not located near high voltage electric lines or high pressure gas lines.
14. The proposal does not appear to have an impact on the airport influence area because the proposal is not within a public Airport Influence Area.
15. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
16. No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 3, 2018 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.
17. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.
18. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
19. Elk Highlands Drive would provide legal and physical access for Lots 28 and 28B.
20. The proposal is not within a Neighborhood Plan area and is generally consistent with the Flathead County Growth Policy.
21. The proposed subdivision is in compliance with local zoning because the lots are in excess of the minimum lot size requirement and the proposed use of single family dwellings is a permitted use in the BM-1 zoning designation.

**CONDITIONS OF APPROVAL
SUBDIVISION REPORT # FPP-20-23
LONE ASPEN SUBDIVISION
FEBRUARY 23, 2021**

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Fire District if annexed. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR] (F.O.F 6)
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR] (F.O.F. 10)
4. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
6. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department. [Sections 4.7.20 and 4.7.21 FCSR] (F.O.F. 2)
7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR] (F.O.F. 5)
8. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR] (F.O.F 3)
9. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR] (F.O.F. 7)
10. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the

- house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR and F.O.F. 9]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR and FOF 3]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR and F.O.F. 10]
 12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A.]
 13. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
 14. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
 15. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
 16. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

22. Actions called for in the 'Fire Prevention Control and Fuels Reduction Plan' shall be implemented prior to the approval of the Final Plat. The local/reviewing fire authority when annexation occurs shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in

the plan have been completed as proposed for the subdivision. [Section 4.7.27(b)(iii) FCSR]

- 23.** The following statements shall be placed on the face of the final plat applicable to all lots:
- a. This plat has not been reviewed or approved for individual sewer or water facilities or for storm water drainage.
 - b. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A), FCSR]
 - c. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B), FCSR]
 - d. Firewise defensible space standards shall be incorporated around all RV spaces, primary structures and improvements.